

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD CHRISTOPHER GALKA,

Plaintiff,

Case No. 11-10271
HON. GEORGE CARAM STEEH

vs.

LAURA GROVER, et al.,

Defendants.

_____ /

ORDER DENYING PLAINTIFF'S SECOND MOTION FOR RECONSIDERATION [#24]

On August 16, 2011, this court entered an order granting the defendants' Rule 12(b)(6) motion to dismiss and dismissed the plaintiff's complaint. See Dkt. No. 14. The court's August 16, 2011 order held that plaintiff's complaint "does not contain sufficient factual matter, accepted as true, to state a claim that is plausible on its face." Id. at 14 (citing Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949 (2009)).

Thereafter, on August 29, 2011, the court denied plaintiff's motion for reconsideration of the court's August 16, 2011 order, request to amend complaint and request to stay foreclosure proceedings holding that:

Plaintiff has failed to demonstrate a palpable defect by which this court has been misled, the correction of which will result in a different disposition of this case. Plaintiff does not attach a copy of a proposed amended complaint, nor identify specifically how he will rectify the pleading deficiencies discussed in this court's August 16, 2011 order.

Plaintiff now moves for a stay of foreclosure pending appeal to the Sixth Circuit Court of Appeals, filed on September 9, 2011. The court construes plaintiff's present motion as a second motion for reconsideration of this court's August 16, 2011 order under E.D. Mich. L.R. 7.1(g)(3).

Local Rule 7.1(g)(3) of the Local Rules of the United States District Court for the Eastern District of Michigan provides:

[M]otions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication, shall not be granted. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof.

E.D. Mich. L.R. 7.1(g)(3). Once again plaintiff has failed to demonstrate a palpable defect by which this court has been misled, the correction of which will result in a different disposition of this case. Furthermore, plaintiff requests that the court stay foreclosure proceedings, however a review of plaintiff's present motion reveals that a sheriff's sale of the subject property has already occurred.

Accordingly,

Plaintiff's second motion for reconsideration is DENIED.

SO ORDERED.

Dated: September 14, 2011

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 14, 2011, by electronic and/or ordinary mail and also to Edward Christopher Galka at 8583 Frederick Dr., Washington Township, MI 48094 .

S/Josephine Chaffee
Deputy Clerk